

ANN BAVENDER*
ANNE GOODWIN CRUMP
VINCENT J. CURTIS, JR.
PAUL J. FELDMAN
FRANK R. JAZZO
EUGENE M. LAWSON, JR.
MITCHELL LAZARUS
SUSAN A. MARSHALL*
HARRY C. MARTIN
RAYMOND J. QUIANZON
LEONARD R. RAISH
JAMES P. RILEY
ALISON J. SHAPIRO
KATHLEEN VICTORY
JENNIFER DINE WAGNER*
LILIANA E. WARD
HOWARD M. WEISS

* NOT ADMITTED IN VIRGINIA

FLETCHER, HEALD & HILDRETH, P.L.C.

ATTORNEYS AT LAW

11th FLOOR, 1300 NORTH 17th STREET

ARLINGTON, VIRGINIA 22209-3801

OFFICE: (703) 812-0400

FAX: (703) 812-0486

www.fhhlaw.com

RETIRED MEMBERS
RICHARD HILDRETH
GEORGE PETRUTSAS
CONSULTANT FOR INTERNATIONAL AND
INTERGOVERNMENTAL AFFAIRS
SHELDON J. KRYS
U. S. AMBASSADOR (ret.)

OF COUNSEL
EDWARD A. CAINE*
DONALD J. EVANS
EDWARD S. O'NEILL*

WRITING DIRECTOR
shapiro@fhhlaw.com

RECEIVED

SEP 13 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

September 13, 2001

BY HAND

Magalie Roman Salas, Esquire
Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-B204
Washington, DC 20554

**Re: Comments of Four Rivers Broadcasting, Inc.
MM Docket No. 01-168, RM-10187
Mendocino, California**

Dear Ms. Salas:

Enclosed herewith, on behalf of Four Rivers Broadcasting, Inc., are an original and four copies of its Comments in response to the Notice of Proposed Rulemaking in the above-referenced proceeding.

An extra copy of this filing, marked 'Please Stamp and Return This Copy to Fletcher, Heald & Hildreth,' is enclosed. Please date-stamp this copy and return it with the messenger.

Should there be any questions regarding this matter, kindly communicate directly with the undersigned.

Very truly yours,
FLETCHER, HEALD & HILDRETH, P.L.C.


Alison J. Shapiro
Counsel for Four Rivers Broadcasting, Inc.

Enclosure

cc: All Parties on Certificate of Service (w/encl.)

No. of Copies rec'd 014
List ABCDE

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED

SEP 13 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
Amendment of Section 73.202(b))	
Table of Allotments,)	MM Docket No. 01-168
FM Broadcast Stations.)	RM-10187
(Mendocino, California))	

To: Chief, Allocations Branch

COMMENTS OF FOUR RIVERS BROADCASTING, INC.

Four Rivers Broadcasting, Inc. ("Four Rivers")¹, current licensee of KMFB(FM), Mendocino, California, by counsel, and pursuant to Section 1.415 of the Commission's rules, hereby respectfully submits these comments in response to the Commission's Notice of Proposed Rulemaking (the "Notice")², released July 27, 2001, in the above-captioned proceeding. The Notice proposes to amend the FM Table of Allotments to substitute channel 266A for channel 224A at Station KMFB(FM), Mendocino, California, and modifying the license of Station KMFB(FM) accordingly. Thus, the Notice proposes to amend Section 73.202(b) of the Commission's rules as follows:

¹ Four Rivers is now the licensee of KMFB(FM). The license for KMFB(FM) was assigned to Four Rivers by the former licensee and original petitioner in this rulemaking proceeding, George Anderson (File No, BAL-20010508AAU). That application was granted and the assignment was consummated on August 1, 2001. Four Rivers wishes to proceed with this rulemaking proceeding and assume the role of petitioner.

² In the Matter of Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations (Mendocino, California), MM Docket No. 01-168, RM-10187 (released July 27, 2001).

	<u>Channel No.</u>	
<u>City</u>	<u>Present</u>	<u>Proposed</u>
Mendocino, California	224A	266A

As demonstrated in the Petition for Rulemaking (“Petition”) and corresponding engineering exhibit, the reference coordinates for the proposed channel at Mendocino meet the minimum distance separation requirements with respect to all known licenses, construction permits, pending applications, and pending rulemaking proceedings. The Mendocino allotment reference site complies with the minimum spacing requirements contained in Section 73.207 of the Commission’s rules.

Furthermore, as stated in the Petition, the substitution of channel 266A for 224A will permit an increase of KMFB’s power from 3.0 kilowatts to 6.0 kilowatts. The substitution would thereby significantly increase KMFB(FM)’s coverage area by approximately 627.2 square kilometers. The increase would permit service to an additional 1,051 persons.

The FM Table of Allotments was created to allow the Commission to meet its obligation under Section 307(b) and the allotment priorities developed in *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88, 91 (1982). The main objective of the 1982 revision was to provide service of satisfactory signal strength to the whole country, while providing as many program choices to as many listeners as possible and providing service of local origin to as many communities as possible. To these ends, the Commission set forth the following as priorities: (1) first full-time aural service; (2) second full-time aural service; (3) first local service, and; (4) other public interest matters (priorities 2 and 3 were given co-equal weight). Thus, the proposed substitution is consistent with the FM priorities and with the Commission’s

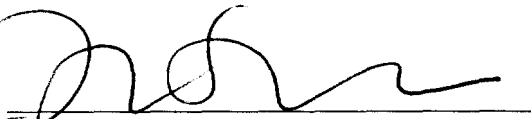
Section 307(b) mandate of providing fair, efficient and equitable distribution of radio services in the United States.

In the event that the substitution of Channel 266A for 224A at Mendocino, California is granted, Four Rivers will promptly file an application for a construction permit for the new channel and, if granted, will implement the change.

WHEREFORE, in light of the foregoing, Four Rivers respectfully requests that the Commission AMEND the FM Table of Allotments, and substitute channel 266A for channel 224A to Mendocino, California.

Respectfully submitted,

FOUR RIVERS BROADCASTING, INC.

By: 
Howard M. Weiss
Alison J. Shapiro

Its Counsel

Fletcher, Heald & Hildreth, PLC
1300 North 17th Street, 11th Floor
Arlington, VA 22209
(703) 812-0400

September 13, 2001

ajs/mydocs/weiss/4rivers/rm.mendocino.comments

CERTIFICATE OF SERVICE

I, Barbara Lyle, a secretary in the law firm of Fletcher, Heald & Hildreth, P.L.C., do hereby certify that a true copy of the foregoing *Comments of Four Rivers Broadcasting, Inc.* was sent this 13th day of September 2001, via hand delivery and United States First Class Mail, postage prepaid, on the following:

Mr. John A. Karousos*
Federal Communications Commission
445 12th Street, S.W.
Room 2-A266
Washington, D.C. 20554

Mr. R. Barthen Gorman*
Federal Communications Commission
445 12th Street, S.W.
Room 3-A224
Washington, D.C. 20554



Barbara Lyle

*By Hand